

**MINUTES**

**MONTANA SENATE  
58th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON FISH AND GAME**

**Call to Order:** By **CHAIRMAN MIKE SPRAGUE**, on February 18, 2003 at 3:00 P.M., in Room 422 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Mike Sprague, Chairman (R)  
Sen. Dan McGee, Vice Chairman (R)  
Sen. Keith Bales (R)  
Sen. Gregory D. Barkus (R)  
Sen. Ken (Kim) Hansen (D)  
Sen. Dale Mahlum (R)  
Sen. Debbie Shea (D)  
Sen. Bill Tash (R)  
Sen. Joseph (Joe) Tropila (D)

**Members Excused:** Sen. Trudi Schmidt (D)

**Members Absent:** None.

**Staff Present:** Mary Vandembosch, Legislative Branch  
Jane M. Hayden, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: **SJR 15, 2/18/2003**  
Executive Action: **SJR 15**

**HEARING ON SJR 15**

**Sponsor:** **SENATOR LINDA J. NELSON**

**Proponents:** **Doug Monger**, Administrator of the Parks Division of the Department of Fish, Wildlife and Parks  
**Doug Smith**, Sheridan County Planner, and President of Missouri River Country

**Opponents:** None.

**Opening Statement by Sponsor:**

**SENATOR LINDA NELSON**, SD 49, Northeastern Montana, testified that SJR 15 is a resolution that will encourage the creation of a state park in Region 6, which is from the North Dakota border across the highline to Havre, Montana. Region 6 of Montana has no state parks. Currently, there are 42 state parks in the state of Montana distributed in six of the seven regions. Region 1 has six, Region 2 has ten, Region 3 has ten, Region 4 has five, Region 5 has five, Region 7 has six, and Region 6 has zero. Several bills will help fund state parks in Montana, and one is SB 82 which levies 2 mills on property taxes and dedicates some of the funding toward park acquisition. This would go on the ballot in November 2004. SB 287 will provide money for managing water-based recreation by selling decals on unmotorized water craft. SB 336 would fund the state parks with an optional \$4 fee on light vehicles to fund the State Parks Futures Committee. SB 353 is a car rental and accommodations tax that would fund rest stop improvements. SJR 15 specifies Brush Lake in northeast Montana to be the first state park in Region 6. The State Parks Futures Committee looked at sites in Region 6 and ranked Brush Lake at the top of the list for consideration. The passage of SJR 15 is contingent on available funding. Brush Lake would be a great acquisition which would provide recreational opportunities in boating, swimming, skiing, camping and nature study. Brush Lake is also a unique lake of interest to the scientific community. **Doug Smith** is with me today, he is the Sheridan County Planner, and he has been working with FWP and the Brush Lake owners on the possible acquisition of this area and he can tell the Committee all sorts of things about this gem of a lake. Since he has come 500 miles to do that, I would like him to tell you about it.

**Proponents' Testimony:****EXHIBIT (fis36a01)**

**Doug Smith, Sheridan County Planner**, testified that Brush Lake would be a great choice for a new state park and the best choice for a park in Region 6. **Mr. Smith** read from his written testimony, verbatim.

**EXHIBIT (fis36a02)**

**Doug Monger, Department of Fish, Wildlife and Parks**, testified that the Department supported the resolution presented by **SENATOR LINDA NELSON**. Brush Lake is a beautiful lake, it has a remarkable turquoise color, nothing outside of Glacier National Park is this beautiful. The other interesting aspect of Brush Lake is that there are no development or cabins on it. Brush

Lake is in pristine condition and is a remarkable opportunity to add it to our state park system. **Mr. Monger** read from his written testimony, verbatim.

**SENATOR SAM KITZENBERG** testified that he has been working for eight years to establish a state park in Region 6. Having looked at so many great sites, there should not be just one park site chosen, but a park system and 25 state parks. There is an urgency about this request because of the pristine condition of Brush Lake and the area surrounding it. **SENATOR KITZENBERG** stated his wholehearted support for the passage of SJR 15.

**EXHIBIT(fis36a03) and EXHIBIT(fis36a04)**

**Bill Nyby, Chairman of the Sheridan County Commission,** testified in support of SJR 15. **Mr. Nyby,** read from his written testimony, verbatim.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**SENATOR BILL TASH** asked **Doug Smith** if there were access roads to Brush Lake. **Mr. Smith** explained that there were county roads on the three sides, those being the west, south and east sides. There is a prairie trail two miles off Highway 258 on the north side. **SENATOR TASH** asked **Mr. Smith** if Brush Lake was close to Fort Peck. **Mr. Smith** responded that Brush Lake was two miles from the North Dakota border, 30 miles from Canada, and 150 miles from Fort Peck.

**SENATOR DALE MAHLUM** asked **Doug Monger** what was the appraisal on the Brush Lake property. **Mr. Monger** explained that the north half of the property was in the \$140,000 range, and that is the part of the property where there are no facilities. The south half of the property appraisal is being held by a title company, but would probably be between \$140,000 and \$200,000.

**SENATOR GREG BARKUS** asked **Doug Monger** what the cost was for a nonresident State Parks Pass. **Mr. Monger** responded that the cost for both residents and nonresidents was \$30 for the pass, \$5 for day-use. **SENATOR BARKUS** asked **Mr. Monger** what types of capital improvements were planned for the Brush Lake area. **Doug Monger** stated that FWP has not gone through the public

approval process for that yet. Discussions with the people at the site suggested that it would be logical to have a swimming beach on the north part of Brush Lake where there is a sandy beach. A minimal access road and a parking area would be required there, too. The south end of the lake would be the best place for boating and boating facilities. **SENATOR GREG BARKUS** asked **Mr. Monger** if there was potential for development if the State does not acquire the Brush Lake property. **Mr. Monger** answered that there is a threat of potential development since a pristine lake would be wonderful place to have a cabin.

**SENATOR KEITH BALES** asked **Doug Monger** what level of activity will there be on this pristine lake, and what would be the impacts on it. **Mr. Monger** explained that his reference to pristine meant there were no subdivisions or cabin sites. Brush Lake has been used in previous decades by boaters, campers and swimmers. **Mr. Monger** further stated that if Brush Lake became a state park, one of FWP's concerns would be to protect the scientific and unique natures of the salt formations from being compromised from recreational activity. **SENATOR BALES** asked **Mr. Monger** what the status was of the purchasing arrangements. **Doug Monger** testified that the landowners of the north half are definitely willing to sell, and FWP is in negotiations with them. FWP's negotiations with the southern landowner show that they are willing to sell, but because of judicial reasons and conflict-of-interest ethics' statutes, FWP is unable to complete negotiations with that landowner. Everything has led FWP to believe that the southern landowner would be a willing seller, too. **SENATOR BALES** asked **Mr. Monger** if FWP would purchase the northern half without the southern half of the Lake. **Doug Monger** responded that it would a perfect outcome if they could purchase an entire lake for a state park, but FWP will go ahead with the purchase of the northern half even without the southern half.

**SENATOR GREG BARKUS** asked **Doug Monger** that if fish cannot live in Brush Lake, can people swim safely. **Mr. Monger** explained that when FWP went through the appraisal process one of their concerns was whether or not the selenium content would adversely affect motor boats such as the Great Salt Lake does, and FWP found that it would not affect boaters or swimmers.

**SENATOR KEITH BALES** asked **Doug Monger** if the purchase of Brush Lake was contingent on the funding in current bills before the Legislature. **Mr. Monger** responded that FWP does need additional funding from pending bills to proceed with this acquisition. The Department has the authority within HB 5 to use Federal road moneys matching State funds to purchase, develop, and maintain Brush Lake. However, FWP could not use the state match without adversely affecting the other 42 state parks.

**SENATOR MIKE SPRAGUE** asked **Doug Monger** what was the Federal to State ratio for the matching funds. **Mr. Monger** testified the Federal funds come from an excise tax on motor boats and sporting goods. The maximum match ratio is three to one, three Federal dollars to one State dollar, and that is if there is 100 percent exclusive motor boat use. A project like Brush Lake would probably run 66 percent Federal match to 34 percent State match.

**Closing by Sponsor:**

**SENATOR LINDA NELSON** testified that the establishment of a state park in Region 6 is very important to the area. We would like the park to be Brush Lake. It would be a shame not have this area open to the public. It would be worthy of the Committee's consideration and would not be terribly expensive since it does not involve the renovation of old buildings, etc. The real point of SJR 15 is a reminder that Region 6 is waiting their turn for a state park in the area. There is no money in this bill. The Committee had excellent questions and would hope that the Committee would vote favorably on SJR 15.

**EXECUTIVE ACTION ON SJR 15**

**Motion/Vote:** **SENATOR JOE TROPILA** moved that SJR 15 DO PASS.  
**Motion PASSED unanimously.**

**ADJOURNMENT**

Adjournment: 5:25 P.M.

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SEN. MIKE SPRAGUE, Chairman

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JANE M. HAYDEN, Secretary

MS/JMH

**EXHIBIT**(fis36aad)